

**HIGH COURT OF CHHATTISGARH, BILASPUR****MAC No. 1559 of 2015**

- Premchand S/o Tikaram Verma, aged about 27 years, occupation Sahayak Shikshak, R/o village Kumha, Police Station and Tehsil Berla, District Bemetara, Chhattisgarh.

**---- Appellant****Versus**

1. Raghunath S/o Baisakhu Nishad, aged about 40 years, R/o village Mandhar Tekari, Police Station Dharsiva, District Raipur (CG). (Driver and owner of the offending vehicle Car No. CG-04-HC-5774).
2. Royal Sundram Allianz Insurance Company Limited, Gil Complex, Gurudwara Road, Raipur (CG) (Insurer of offending vehicle Car No. CG-04-HC-5774).

**---- Respondents**


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| For Petitioner      | Shri RK Pali, Advocate.                                       |
| For Respondent No.2 | Shri D Kushwaha on behalf of Shri Bhaskar Pyasi,<br>Advocate. |

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****15/02/2016**

1. Challenge in this appeal is to the award dated 31.10.2015 passed by the Motor Accident Claims Tribunal, Bemetara (for short, the Tribunal) in Claim Case No. 02 of 2015.
2. As against the compensation of Rs. 13,60,000/- claimed by appellant/claimant by filing application before the Tribunal under Section 166 of the Motor Vehicles Act, 1988 (for short 'MV Act') for the injuries sustained by him in the motor accident dated 14.04.2014, the Tribunal awarded a total sum of Rs. 66,454/- along with interest @ 6 percent per annum from the date of

application till its actual payment.

3. The Tribunal, on a close scrutiny of the evidence led, held that the accident had occurred due to rash and negligent driving by driver of Car bearing registration No. CG-04-HC-5774; the Appellant-claimant sustained fracture on his right leg below knee in the said accident, taking into consideration the evidence on record and the medical bills submitted by him, awarded a total sum of Rs.66,454/- for the injuries and Rs.1,17,907/- towards medical expenses.
4. Counsel for the appellant/claimant submits that the award amount is on lower side which deserves to be suitably enhanced. He further submits that the Tribunal has not considered the fact with regard to future treatment for which also he would sustain substantial expenses.
5. A perusal of record would show that the Tribunal has awarded the entire amount as put forth by the claimant in pursuing the medical treatment without deducting a single penny quantifying Rs.1,17,907/- as raised by the claimant. The appellant has not produced any document suggesting future treatment. The treating doctor has also not been examined in this case. Neither any disability certificate is produced.
6. In the absence of either disability certificate nor the evidence of doctor, the contention of the appellant-claimant that the Tribunal ought to have awarded additional amount in respect of future treatment and also the disability caused due to the accident is not sustainable.
7. For the forgoing reasons, the appeal fails and is rejected. No order as to costs.

Sd/-  
(P.Sam Koshy)  
**JUDGE**